Agenda – Council – January 30, 2013

Report "A" – Executive Policy Committee – January 23, 2013

Item No. 1 Subdivision and Rezoning – Sage Creek Boulevard (St. Boniface Ward) File DASZ 36/2012

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 23, 2013, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 36/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 36/2012 dated December 18, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an addendum to Development Agreement AG 12/2010 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 21, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 36/2012 dated December 18, 2012 to an "RMF-S" Residential Multi-Family Small District subject to the following:

    A. That the applicant or owner enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That on proposed Lot 1 the following principal uses shall not be permitted within 50 metres (164 feet) of the west property line:

            a. Dwelling, live-work
            b. Dwelling, multi-family
            c. Dwelling, single-family detached
            d. Dwelling, two-family
            e. Assisted living facility
            f. Care home

g. Dormitory
h. Neighbourhood rehabilitation home
i. Single room occupancy
j. Protection and emergency services
k. College or university
l. Senior high school
m. Boat dock, public access
n. Place of worship
o. Transit station

ii. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

When the Zoning Agreement is registered by caveat against the subject lands, existing City Caveat No. 4073617/1 may be discharged from those lands.

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 14383 (Schedule "C") as surplus to the City's needs.

4. That subject to concurrent registration of the approved plan of subdivision in the Winnipeg Land Titles Office, the City transfer the Subject City Property shown on Schedule "C" to the Sage Creek Development Corporation in exchange for consideration of one dollar ($1.00), on condition that the Sage Creek Development Corporation immediately transfer that property to the Louis Riel School Division.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

Report "A" – Executive Policy Committee – January 23, 2013

6. That in the event the matter is not proceeded with expeditiously and

   i. the by-law is not passed, and

   ii. the Subject City Property shown on Schedule "C" is not transferred to the Louis Riel School Division

   within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with and the Subject City Property shown on Schedule "C" shall revert to non-surplus status and shall not be transferred by the City.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the addendum to Development Agreement AG 12/2010.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

12. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report "A" – Executive Policy Committee – January 23, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 23, 2013, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 14, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – Sage Creek Boulevard**
File DASZ 36/2012

For submission to: **Executive Policy Committee**

Prepared by: **Visa Hutter, Senior Committee Clerk**
Riel Community Committee

Report date: **January 15, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 14, 2013, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommends to the Executive Policy Committee:

1. That the plan of subdivision proposed under File DASZ 36/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 36/2012 dated December 18, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into an addendum to Development Agreement AG 12/2010 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 21, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 36/2012 dated December 18, 2012 to an "RMF-S" Residential Multi-Family Small District subject to the following:

    A. That the applicant or owner enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That on proposed Lot 1 the following principal uses shall not be permitted within 50 metres (164 feet) of the west property line:

            a. Dwelling, live-work
            b. Dwelling, multi-family
            c. Dwelling, single-family detached
            d. Dwelling, two-family
            e. Assisted living facility
            f. Care home
            g. Dormitory

h. Neighbourhood rehabilitation home

i. Single room occupancy

j. Protection and emergency services

k. College or university

l. Senior high school

m. Boat dock, public access

n. Place of worship

o. Transit station

ii. That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned "RMF-S" Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

When the Zoning Agreement is registered by caveat against the subject lands, existing City Caveat No. 4073617/1 may be discharged from those lands.

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 14383 (Schedule "C") as surplus to the City's needs.

4. That subject to concurrent registration of the approved plan of subdivision in the Winnipeg Land Titles Office, the City transfer the Subject City Property shown on Schedule "C" to the Sage Creek Development Corporation in exchange for consideration of one dollar ($1.00), on condition that the Sage Creek Development Corporation immediately transfer that property to the Louis Riel School Division.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

6. That in the event the matter is not proceeded with expeditiously and

i. the by-law is not passed, and

ii. the Subject City Property shown on Schedule "C" is not transferred to the Louis Riel School Division

within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with and the Subject City Property shown on Schedule "C" shall revert to non-surplus status and shall not be transferred by the City.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the addendum to Development Agreement AG 12/2010.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

12. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Planning and Land Use Division dated December 18, 2012.

2. It is a very positive initiative for the entire south quadrant of the city of Winnipeg; Sage Creek is a fast growing, vibrant community, with lots of young people that require a school in the community.

PUBLIC HEARING SUMMARY

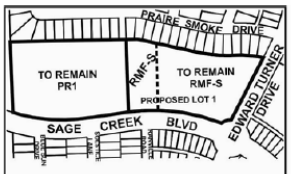
File: DASZ 36/2012

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Swandel
Councillor Vandal

Public Hearing: January 14, 2013
Council Building, 510 Main Street

Applicant: Qualico Communities (Jeff Pratte)

Subject:



APPLICANT : QUALICO COMMUNITIES
FILE : DASZ 36/12
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "PR1" PARKS AND RECREATION 1 DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to facilitate the purchase and consolidation of the adjacent RMF-S lands for future development. **For information, phone Mr. R. Kostiuk, Planner, at 204-986-7367.**
DEMANDEUR : QUALICO COMMUNITIES
N° DE RÉFÉRENCE : DALZ 36/12
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du Règlement municipal no 200/2006 visant à changer le zonage d'une partie des sols délinéés ci-dessus qui passeraient de la catégorie PR1 (SECTEUR DES PARCS ET DES LOISIRS 1) à la catégorie RMF-S (SECTEUR DE PETITES HABITATIONS MULTIFAMILIALES) afin de permettre l'achat et la consolidation des biens-fonds RMF-S adjacents aux fins d'un aménagement futur. **Pour plus de renseignements, veuillez communiquer avec M. R. Kostiuk, urbaniste, au 204-986-7367.**

Premises Affected: Sage Creek Boulevard

Exhibits Filed:

1. Application dated November 8, 2012
2. Notification of Public Hearing dated November 26, 2012
3. Manitoba Status of Titles 2526976/1 and 2527053/1
4. Letter of authorization dated November 2, 2012 from The City of Winnipeg to Qualico Communities
5. Plans (3 pages)
6. Report from the Planning and Land Use Division dated December 18, 2012
7. Inspection Report

REPRESENTATIONS:

In Support:

Jeff Pratte
Eric Vogan
Arul Selvi Jeyaraj and Ming Sum Lee

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. M. Pittet, Manager of Land Development, Geomatics, and Land Information Services, Planning, Property and Development Department
Mr. R. Kostiuk, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 36/2012

ADMINISTRATIVE REPORT

Title: DASZ 36/2012 – Sage Creek Boulevard (School Site) Public Hearing

Issue: An application for consideration at the Public Hearing for a subdivision and rezoning from PR1 to RMF-S.

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
P. Regan	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 36/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 36/2012 dated December 18, 2012 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an addendum to Development Agreement AG 12/2010 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 21, 2012 which is Schedule "B" of this report.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the planned area as shown on Schedule "A" for File DASZ 36/2012 dated December 18, 2012 to an "RMF-S" Residential Multi-Family Small District subject to the following:

   A. That the applicant or owner enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i) That on proposed Lot 1 the following principal uses shall not be permitted within 50 metres (164 feet) of the west property line:

         p. Dwelling, live-work

         q. Dwelling, multi-family

r. Dwelling, single-family detached

s. Dwelling, two-family

t. Assisted living facility

u. Care home

v. Dormitory

w. Neighbourhood rehabilitation home

x. Single room occupancy

y. Protection and emergency services

z. College or university

aa. Senior high school

bb. Boat dock, public access

cc. Place of worship

dd. Transit station

ii) That, for the development of any building, and/or accessory parking area and/or signage within the lands zoned “RMF-S” Residential Multi-Family, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Director of Planning, Property and Development and the Riel Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

When the Zoning Agreement is registered by caveat against the subject lands, existing City Caveat No. 4073617/1 may be discharged from those lands.

3. That Council declare the City-owned property shown in outline and identified as "Subject City Property" shown on Misc. Plan No. 14383 (Schedule “C”) as surplus to the City's needs.

4. That subject to concurrent registration of the approved plan of subdivision in the Winnipeg Land Titles Office, the City transfer the Subject City Property shown on Schedule “C” to the Sage Creek Development Corporation in exchange for consideration of one dollar ($1.00), on condition that the Sage Creek Development Corporation immediately transfer that property to the Louis Riel School Division.

5. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

6. That in the event the matter is not proceeded with expeditiously and

(i) the by-law is not passed, and

(ii) the Subject City Property shown on Schedule “C” is not transferred to the Louis Riel School Division

within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with and the Subject City Property shown on Schedule "C" shall revert to non-surplus status and shall not be transferred by the City.

7. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

8. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the addendum to Development Agreement AG 12/2010.

9. That the zoning section of the by-law shall come into force and effect when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one (1) year from the date the by-law is passed.

10. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

11. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

12. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to consolidate the 1.44 acres of the PR1 portion of the site with the RMF-S zoned lot to the east (Lot 2 Block 13 Plan 51374) and rezone the 1.44 acres of PR1 land to RMF-S.
- The land is being proposed to be consolidated and rezoned in order to facilitate the construction of a Kindergarten to Grade 8 school on the site by the Louis Riel School Division.
- Subdivisions and rezonings require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Urban Planning Division are concurred in, the subject site will be subdivided and rezoned from PR1 to RMF-S.
- City land shown in Schedule “C” will be declared surplus and transferred to the Sage Creek Development Corporation so long as the Sage Creek Development Corporation transfers that property to the Louis Riel School Division immediately.

HISTORY

- In April 2005, the Standing Policy Committee on Property and Development identified the South St. Boniface Area Structure Plan as a priority project within the Planning, Property and Development Department’s 2005 Secondary Plan Work Program. The department implemented a collaborative planning process in partnership with Qualico Developments and their consulting team to prepare the area structure plan. This process also included close consultation with all affected City departments to address any issues related to the development of the subject lands and to ensure that the City’s requirements were incorporated into the plan’s policies.
- On September 28, 2005, Council gave first reading to By-law 158/05 to adopt the South St. Boniface Area Structure Plan as a Secondary Plan for 918 acres of land bounded by the Bishop Grandin Boulevard extension to the north, Lagimodiere Boulevard and the Island Lakes residential community to the west, the Perimeter Highway to the south and Plessis Road (the City Boundary) to the east; and directed that the Riel Community Committee conduct a public hearing respecting the proposed by-law and plan. It was ultimately passed by Council November 23, 2005.
- On September 22, 2010, Council approved the subdivision and rezoning proposed under File DASZ 12/2010, which was Phase 5 of the Sage Creek Development. Phase 5 is situated immediately east of the Manitoba Hydro Power Transmission Line and is accessed via Boulevard Des Hivernants and Sage Creek Boulevard. It encompasses an area of approximately 64.5 acres. The land was rezoned from RR5 to RMF-S, R1-M, R1-S, and PR1 in order to facilitate new parks areas, a future school site and single family residential development in Phase 5 of the South St. Boniface Area Structure Plan for Sage Creek. Phase 5 will provide for the development of approximately 200 single-family housing lots.
- On December 15, 2010, Council approved File SPA 2/2010 to amend the South St. Boniface Area Structure Plan (Secondary Plan) in order to relocate proposed school sites within the plan.

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Robert Kostiuk, MCIP
Date:	December 18, 2012
File No.	DASZ 36/2012

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — Recommended File No. DASZ 36/2012 Riel Community Committee, dated December 18, 2012
3. Schedule “B” — Report of the Administrative Coordinating Group
4. Schedule “C” — Miscellaneous Plan No. 14383

APPENDIX 'A'

DATE: December 18, 2012

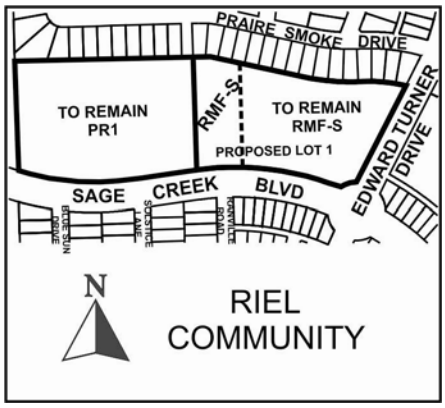
FILE: DASZ 36/2012
RELATED FILES: SPA 2/2010, DASZ 12/2010, By-law 158/05

COMMUNITY: Riel
NEIGHBOURHOOD #: 5.553

SUBJECT: An application to rezone from PR1 to RMF-S and consolidate the site into one (1) RMF-S zoned lot.

LOCATION: NW Corner of Edward Turner Drive and Sage Creek Boulevard

LEGAL DESCRIPTION: Lot 2 Block 13 Plan 51374 and the easternmost 1.44 acres of Public Reserve C Plan 51374



APPLICANT: Sage Creek Development Corporation (Jeff Pratte)
1 Dr. David Friesen Drive
Winnipeg, MB R3X 0G8

OWNER: City of Winnipeg

Sage Creek Development Corporation
1 Dr. David Friesen Drive
Winnipeg, MB R3X 0G8

RECOMMENDATION: Approval with Conditions

REPORT SUMMARY

- The applicant is proposing to consolidate the 1.44 acres of the PR1 portion of the site with the RMF-S zoned lot to the east (Lot 2 Block 13 Plan 51374) and rezone the 1.44 acres of PR1 land to RMF-S.
- The land is being proposed to be consolidated and rezoned in order to facilitate the construction of a Kindergarten to Grade 8 school on the site by the Louis Riel School Division.
- The Urban Planning Division recommends supporting this application.

SITE DESCRIPTION

- The subject site is located near the northwest corner of the Sage Creek Boulevard and Edward Turner Drive intersection in the Sage Creek neighbourhood of the St. Boniface Ward.
- The site is currently vacant and **5.44 acres in area.**
- The site is comprised of two parts. The easternmost 4 acres (Lot 2 Block 13 Plan 51374) is zoned “RMF-S” Residential Multi-Family Small and is owned by the Sage Creek Development Corporation. The westernmost 1.44 acres is owned by the City of Winnipeg and zoned “PR1” Parks and Recreation 1 (Neighbourhood). The City of Winnipeg Real Estate Department has provided a letter of authorization to include the City-owned land in the application. The rezoning and creation of Lot 2 Block 13 Plan 51374 and the park land (owned by the City) was completed under DASZ 12/2010.
- Under the Complete Communities Direction Strategy the site is within the Areas of Stability – Recent Communities Policy Area. The site is also located near a Neighbourhood Node under the South St. Boniface Secondary Plan.

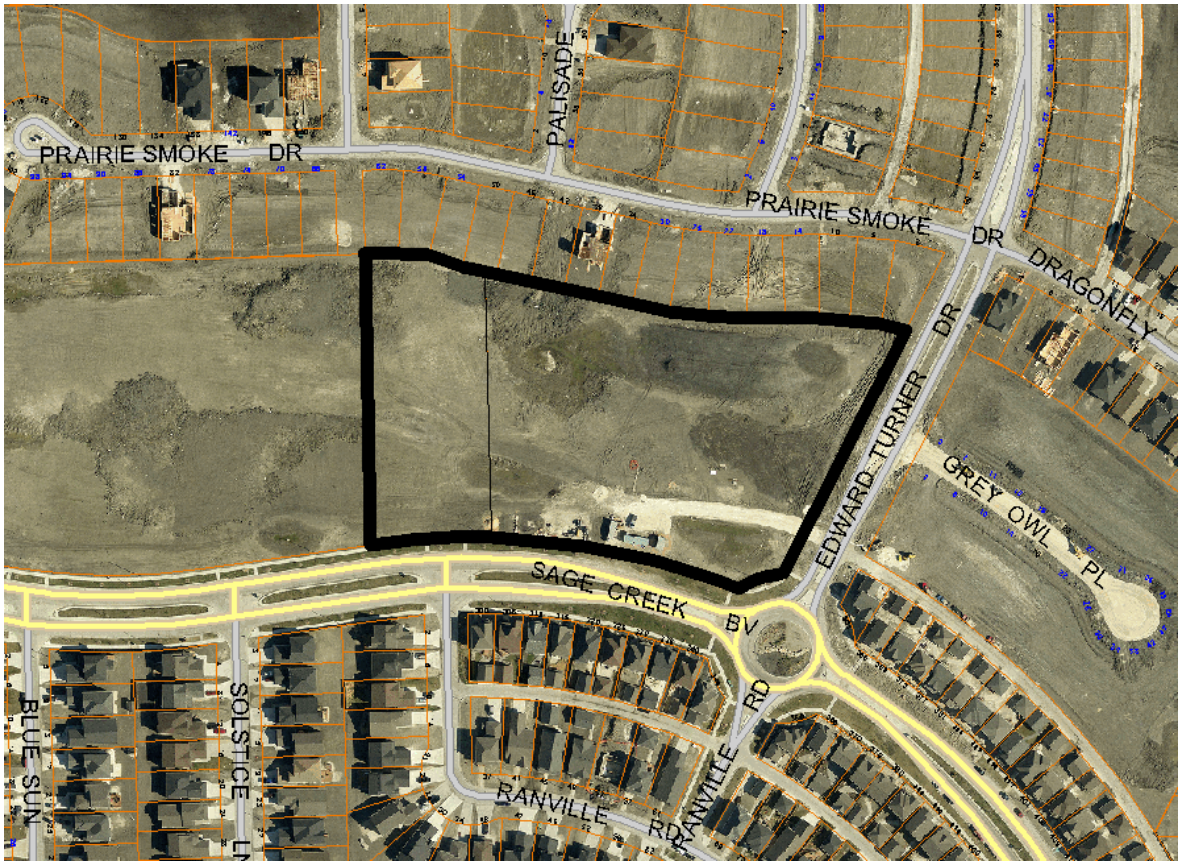


Figure 1: Aerial photograph showing approximate area of the subject site (2012)

SURROUNDING LAND USES AND ZONING (See Figure 2)

North: Detached single-family dwellings zoned R1-M.

South: Sage Creek Boulevard and detached single-family dwellings zoned R1-M and RMF-S.

East: Edward Turner Drive and detached single-family dwellings zoned R1-M and RMF-S.

West: Park land zoned PR-1.

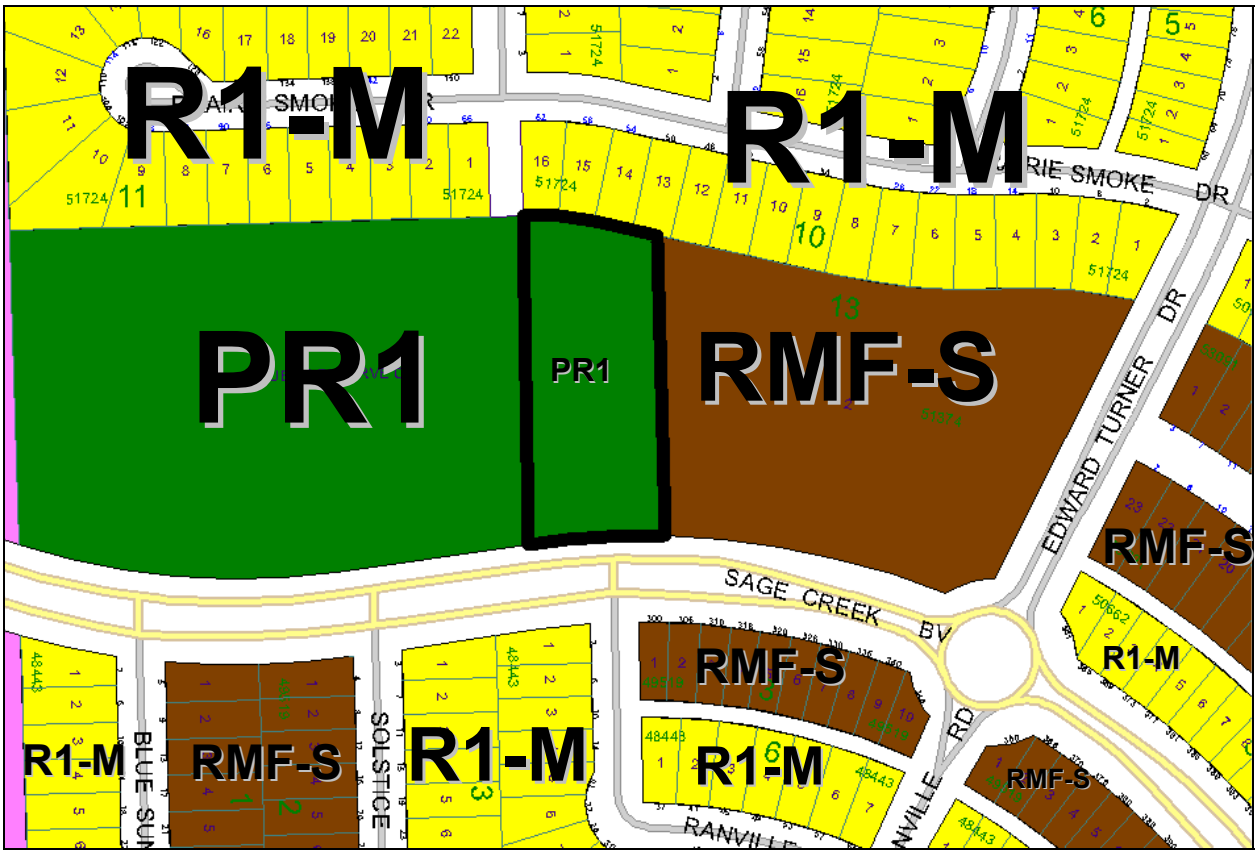


Figure 2: Zoning of the site and surrounding area.

BACKGROUND

- Under DASZ 12/2010, the 4 acre RMF-S zoned lot (Lot 2 Block 13 Plan 51374) was created with the intent of designating that site for the future development of a school.
- At that time, the 4 acre site was deemed suitable to the Public Schools Finance Board and Provincial requirements. However, since the time of the rezoning and subdivision the Province has initiated changes to the minimum land area requirements for school sites through the enactment of the Planning and Land Dedications for School Sites Act, which has not yet been proclaimed.
- Due to the proposed changes to the minimum land area requirements for schools sites, more land will now be needed for the Louis Riel School Division to physically develop a school. The Sage Creek Development Corporation is now proposing to acquire 1.44 acres of the City-owned park land located immediately west of Lot 2 Block 13 Plan 51374 in order to create a suitably sized lot that can be developed on as a school for the Louis Riel School Division.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate the 1.44 acres of the PR1 portion of the site with the RMF-S zoned lot to the east (Lot 2 Block 13 Plan 51374) and rezone the 1.44 acres of PR1 land to RMF-S.

- The land is being proposed to be consolidated and rezoned in order to facilitate the construction of a Kindergarten to Grade 8 school on the site by the Louis Riel School Division.
- The applicant states in their letter of intent that the sale of the enlarged "RMF-S site to the Louis Riel School Division for the development of a Kindergarten to Grade 8 school is currently underway."
- The 1.44 acres of PR1 land that was acquired by the City through land dedication under DASZ 12/2010 can be re-captured under future subdivision and rezoning applications initiated by the Sage Creek Development Corporation (Qualico) in Sage Creek.
- It should be noted that elementary schools or junior high schools are conditional uses in RMF-S zone.

ANALYSIS AND ISSUES

- Under the *Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Recent Communities policy area. Key relevant policies guiding development within Areas of Stability include:
    - Promote a quality public realm with a high level of accessibility to community services and amenities and opportunities for gathering and social interaction.
    - Ensure that existing public open spaces meet the neighbourhood's current and future requirements.

SOUTH ST. BONIFACE AREA STRUCTURE PLAN (SECONDARY PLAN)

- The subject site is located alongside a Neighbourhood Node under the South St. Boniface Secondary Plan. Relevant Neighbourhood Node policies to this application include:

5.2.2 Neighbourhood Node Policies

1) Composition of Neighbourhood Nodes

(a) Subject to the policies of this plan, a Neighbourhood Node

(i) shall contain

(A) one or more transit stops, and

(B) a concentration of housing which may include multi-unit residential,

(ii) where determined appropriate may contain,

(A) a park,

(B) a school, and/or

(C) institutional, recreational, community, local commercial, or other uses determined to be transit supportive.

3) Density of Neighbourhood Nodes

(a) A Neighbourhood Node shall contain a minimum of 1.6 net developable hectares (4.0 net developable acres) of residential land developed at a minimum density of 24.7 units per hectare (10 units per acre) located immediately adjacent to the transit stop(s).

(b) At the Development Application stage, detailed information shall be submitted addressing the boundaries and zoning of the residential development within the Neighbourhood Node.

ZONING

"PR1" Parks and Recreation 1 (Neighbourhood) District

- The PR1 district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas. Generally, no parking facilities are associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

"RMF-S" Residential Multi-Family Small

- The RMF-S zone is intended to accommodate the development of multi-family units in neighbourhoods with medium to high residential densities. The dimensional standards for multi-family structures in the RMF-S zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 4 feet and, a maximum building height of 35 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 1,250 square feet.

LAND USE BY-LAW

Rezoning

- The applicant is proposing to consolidate the 1.44 acres of land zoned PR1 with the adjacent RMF-S zoned land to the east for the purpose of developing a school on the consolidated site. Elementary schools or junior high schools are not a permitted use in the PR1 zone, but are a conditional use in the RMF-S zone.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- The subdivision and rezoning conforms to the South St. Boniface Area Structure Plan and the Complete Communities Direction Strategy. The site is designated as a potential location for a school site under the South St. Boniface Area Structure Plan. The applicant is proposing to rezone the 1.44 acres of park land from PR1 to RMF-S in order to facilitate the development of the site as a school.
- The Public Service has been in communication with the Louis Riel School Division regarding the subject site and its potential development as a Kindergarten to Grade 8 school. All communication with the Louis Riel School Division to date indicates that the School Division is ready and willing to proceed with acquiring the land for the purpose of developing a school on the site.

- A significant active greenspace area that would include playfields is needed in this quadrant of Sage Creek. The Public Service is supportive of the development of a school on a portion (i.e. the proposed 1.44 acres) of the PR1 zoned parcel – which is about 7.5 acres in area in its entirety – due to the public nature of the school use. It is anticipated that the development of a school on the site will also likely result in a shared use and servicing arrangement between the City and the Louis Riel School Division for a significant portion of the remaining +/-6 acres of the PR1 zoned land.
- Although the Public Service is supportive of the development of a school and associated uses (such as a day care) on a portion (1.44 acres) of the PR1 zoned parcel, the Public Service is not supportive of more private uses on the 1.44 acres or uses that are not perceived as being public or community-oriented. The subject application was initiated to accommodate a K-8 school and associated uses on the site. As such, the Public Service is recommending the inclusion of a zoning agreement that limits the 1.44 acres to an elementary or junior high school use or other community-oriented uses.
- The Public Service is not recommending to restrict the uses on the existing RMF-S zoned lot (Lot 2 Block 13 Plan 51374). If for some reason a school is not built on the subject site, the development of multi-family on that lot would be consistent with the South St. Boniface Area Structure Plan, which identifies this site as a Neighbourhood Node. Under the South St. Boniface Area Structure Plan, Neighbourhood Nodes encourage the potential development of multi-family housing at a minimum density of 10 units/acre.

SALE OF CITY-OWNED LAND

- The recommendations of this report include that the 1.44 acres of PR1 land be declared surplus and transferred to the Sage Creek Development Corporation for $1.00. However, conditions of this sale require the Sage Creek Development Corporation to immediately transfer the land to the Louis Riel School Division. This transfer must be completed within 2 years of adoption by Council or the 1.44 acres of park land will revert to non-surplus status and will be retained by the City of Winnipeg, and, the rezoning and subdivision will not come into force and effect.

ZONING AGREEMENT

- The Public Service is recommending to include a zoning agreement that ultimately limits principal uses on the westerly 50 metres of land (or the 1.44 acres of existing City-owned park land included in the subject application) to the following:
    - community/recreational centre (as a conditional use)
    - library (as a conditional use)
    - elementary or junior high school (as a conditional use)
    - community gardens
    - park/plaza/square/playground
    - day care centre (as a conditional use)

- As previously stated, the reason for including such a restriction is based on the fact that the subject application was initiated to accommodate a K-8 school and associated uses on the site.
- The Public Service is also recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the RMF-S site. Discussions with the Louis Riel School Division have identified the need for collaboration between the City and the School Division in the development of a school on the site. The inclusion of this clause ensures that site will be developed in a collaborative manner.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The dedication requirement has been satisfied under DASZ 12/2010. The Report of the ACG identifies that the 1.44 acres of dedicated park land will be re-captured through future Sage Creek Development Corporation (Qualico)-initiated rezonings and subdivisions in Sage Creek see Schedule B, clause 2).

RECOMMENDATION

The Urban Planning Division recommends **approval** for the following reasons:

- The proposed development is consistent with the policies of the Complete Communities Direction Strategy and the South St. Boniface Secondary Plan.
- The application helps create an adequately-sized parcel for the school division.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared By: Robert Kostiuk, MCIP
PPD File # DASZ 36/2012

Schedule "A" for File No. DASZ 36/2012, Riel Community Committee, dated December 18, 2012

By-Law No. _____

File No. **DASZ 36/12**

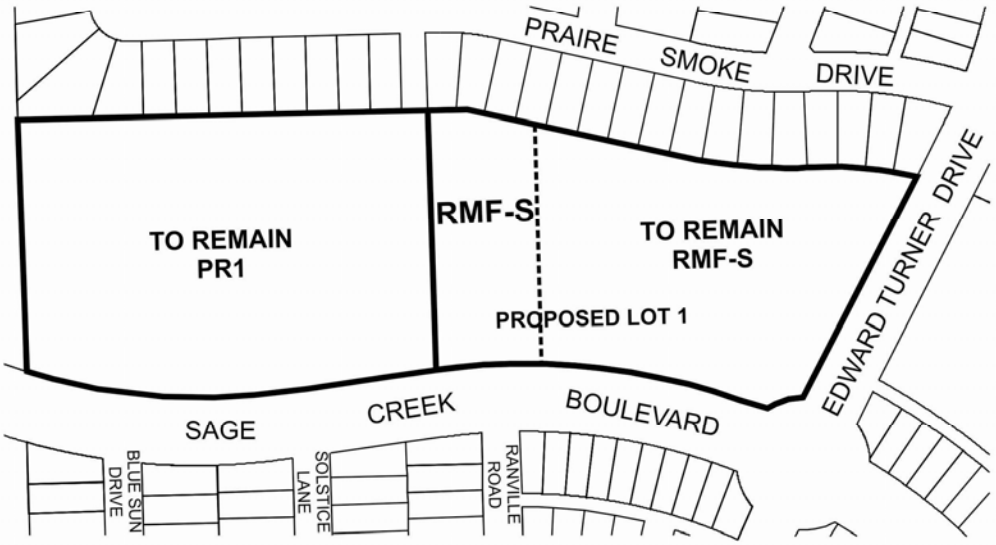
Atlas Sheet No.

N

AG31
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on Sage Creek Boulevard from an "PR1" PARKS AND RECREATION 1 DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to facilitate the purchase and consolidation of lands to adjacent Lot 2 for future development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – DECEMBER 21, 2012

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED ON SAGE CREEK BOULEVARD – QUALICO - SAGE CREEK - DASZ 36/2012

It is recommended that the approval of DASZ 36/2012, if granted, be subject to the applicant entering into an addendum to Development Agreement AG 12/2010 as follows;

1. To acknowledge that the requirements under Clause 18. Public Open Space of Section I of Schedule "C of the Agreement AG 2010, still apply as necessary, to the remaining Public Reserve Lands.

2. To add a new Clause 3. to Section II of Schedule "C" of AG 12/2010 to acknowledge that the net over-dedication prescribed by Clause 2. of Section II of Schedule "C" shall remain at 10.00 acres and requiring that the developer shall contribute an equivalent compensating physical land area of 1.44 acres in a subsequent phase of development.

3. The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, $1,200.00 plus GST per acre of the Planned Area (Minimum $1,650) to defray the City's administration and related costs associated with the preparation and implementation of this addendum.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 36/2012
December 21, 2012

"original signed by K.T. Raban, P. Eng."
K.T. Raban, P. Eng.
Land Development Branch

"original signed by D. Beaton, MLArch."
D. Beaton, MLArch.
Parks, Riverbanks, & Community Initiatives Branch

Schedule "C" **Misc. Plan No. 14383**

